

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert E. Fischell et al.) Docket No.: JOH2748P0043US
)
Serial No.: Not Yet Assigned) Examiner: Not Yet Assigned
)
Filing Date:) Group Art Unit: Not Yet Assigned
)
Invention: Stent Having A Multiplicity of)
Undulating Longitudinals)

INFORMATION DISCLOSURE STATEMENT

Mail Stop DD
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This application is a continuation of Serial No. 10/345,531, filed on January 16, 2003, which is a continuation of Serial No. 09/596,074, filed on 16 June 2000, now U.S. Patent No. 6,547,817, which is a continuation of Serial No. 09/263,518, filed on 5 March 1999, now U.S. Patent No. 6,086,604, which is a continuation of Serial No. 08/864,221, filed on 28 May 1997, now U.S. Patent No. 5,879,370, which is a continuation of Serial No. 08/202,128, filed on 2 February 1994, now U.S. Patent No. 5,643,312. --

During the prosecution of these applications, various art and other information were presented to the U.S. Patent and Trademark Office in the form of discussion in the Information Disclosure Statements and in the form of documents identified in Form PTO-1449s associated with the Information Disclosure Statements. Appended hereto are copies of the Information Disclosure Statements, and the accompanying Form PTO-1449's filed in these applications. Pursuant to 37 CFR 1.98(d), applicants have not resubmitted herewith a copy of each reference or document. However, applicants' attorney is prepared to provide the Examiner a copy of any reference or document that the Examiner cannot locate from the related patent application files.

Appended hereto is a Form PTP-1149 with the caption of this application that sets forth the documents identified on the previously filed Form PTO-1449s. The

Examiner is requested to indicate the consideration of each reference or document with an initial in the left hand column next to each reference or document.

Applicant's attorney is available to provide any additional information upon request.

Respectfully submitted,

Date: 09-15-03

By 
Joel E. Siegel, Reg. No. 26,440

Attorneys for Applicants
Wood, Phillips, Katz, Clark & Mortimer
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, Illinois 60661-2511
312/876-1800 (phone)

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Comparable to Form PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number		09/596,074	
				Filing Date		June 16, 2000	
				First Named Inventor		Robert E. Fischell et al.	
				Group Art Unit		3731	
				Examiner Name		W. Lewis	
Sheet	1	of	4	Attorney Docket No.			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication of Cited Document MM-DD-YYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,109,090		Jacques Mongoin et al.	04-28-92	
		5,135,536		Richard A. Hillstead	08-04-92	

FOREIGN PATENT DOCUMENTS								
Examiner Initials'	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
		JP	6-41745	A61M 29/02	Hanako Medical Company Ltd.	06-03-94		
Examiner Signature						Date Considered		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standards ST.16, if possible. ⁶ Applicant is to place a checkmark here if English language Translation is attached.



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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Jury Verdict (Damages) of Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc. et al., Civil Action No. 97-550-SLR and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		Jury Verdict (Liability) Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc. et al., Civil Action No. 97-550-SR and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 20, 2000, Pretrial Hearing of Boston Scientific Corporation et al. v. Cordis Corporation, Civil Action No. 98-19 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 21, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave, Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 27, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 28, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 29, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 30, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 1, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 4, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 5, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 6, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 7, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 8, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 11, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 12, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 13, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
Examiner Signature			Date Considered

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Please type a plus sign (+) inside this box → +

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				Filing Date	June 16, 2000
				First Named Inventor	Robert E. Fischell et al.
				Group Art Unit	3731
				Examiner Name	W. Lewis
Sheet	3	of	5	Attorney Docket No.	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		December 14, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 15, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		February 9, 2001, Trial Transcript (Inequitable Conduct) of Cordis Corporation v. Medtronic Ave, Inc., et al, Civil Action No. 97-550 and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		February 12, 2001, Trial Transcript (Inequitable Conduct) of Cordis Corporation v. Medtronic Ave, Inc., et al, Civil Action No. 97-550 and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		March 28, 2002, Order re Post Trial Motions of Cordis Corporation v. Medtronic Ave., Inc., Civil Action No. 97-550 (SLR)	
		March 28, 2002, Opinion re Post Trial Motions of Cordis Corporation v. Medtronic Ave., Inc., Civil Action No. 97-550 (SLR)	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Brief in Support of BSC's Motions for Judgement as a Matter of Law with Respect to U.S. Patent Nos. 5,643,312 and 5,879,370, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation, and Scimed Life Systems, Inc., Answering Brief in Opposition to BSC's Motion for JMOL on the Fischell '312 and '370 Patents, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., BSC's Reply Brief in Support of BSC's Motions for Judgement as a Matter of Law with Respect to U.S. Patent Nos. 5,643,312 and 5,879,370, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Opening Brief in Support of Cordis' JMOL Motion Against Boston Scientific on Claim 44 of the Palmaz '762 Patent and Claim 25 of the Fischell '370 Patent, Civil Action No. 97-550 (SLR) and Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., BSC's Brief in Opposition To Cordis' JMOL Motion Regarding the Applicability of the Reverse Doctrine of Equivalents to Claim 25 of U.S. Patent No. 5,879,370, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Reply Brief in Support of Cordis' Motion for JMOL Against BSC on Claim 44 of the Palmaz '762 Patent and Claim 25 of the Fischell '370 Patent, Civil Action No. 97-550-SLR and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., BSC's Post-Trial Brief in Support of Finding that U.S. Patent Nos. 5,643,312 and 5,879,370 are Unenforceable due to Inequitable Conduct, Civil Action No. 98-197 (SLR)	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., BSC's Reply Brief in Support of Finding That U.S. Patent Nos. 5,643,312 and 5,879,370 are Unenforceable due to Inequitable Conduct, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Reply Brief in Support of Defendants' Motion for Summary Judgment of Unenforceability due to Inequitable Conduct, Civil Action No. 98-197-SLR	
Examiner Signature			Date Considered

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				First Named Inventor	Robert E. Fischell et al.
				Group Art Unit	3731
				Examiner Name	W. Lewis
Sheet	4	of	5	Attorney Docket No.	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Defendants' Markman Memorandum on Claim Construction, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Reply Brief in Support of Defendants' Motion for Summary Judgement of Invalidity Under 35 U.S.C. Section 112, Paragraph 2 (Claim Indefiniteness), Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Reply Brief in Support of Defendant's Motion for Summary Judgement of Noninfringement, Civil Action No., 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Opening Expert Report of David C. Cumberland, M.D., Civil Action No. 98-197 SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Rebuttal Expert of David C. Cumberland, M.D., Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Supplemental Expert Report of David C. Cumberland, M.D. Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Opening Expert Report of Andrew S. Douglas, Ph.D., Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Rebuttal Expert Report of Andrew S. Douglas, Ph.D., Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Supplemental Expert Report of Andrew S. Douglas, Ph.D., Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Boston Scientific Corporation and Scimed Life Systems, Inc.'s Notice Pursuant to 35 U.S.C. §282, Civil Action No. 97-550-SLR and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Memorandum Order dated September 7, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Order dated November 1, 2000 Denying Defendant's Motion for Summary Judgment of Invalidity, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Order dated November 1, 2000 Summary Judgement of Infringement, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Deposition of Robert E. Fischell, Ph.D dated November 16, 1999, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Deposition of Robert E. Fischell, Ph.D dated January 4, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Deposition of Robert E. Fischell, Ph.D dated January 5, 2000, Civil Action No. 98-197-SLR	
Examiner Signature		Date Considered	

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Please type a plus sign (+) inside this box → +

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				Group Art Unit	3731
				Examiner Name	W. Lewis
Sheet	5	of	5	Attorney Docket No.	

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		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Deposition of Robert E. Fischell, Ph.D dated January 6, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Deposition of Robert E. Fischell, Ph.D dated January 6, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Deposition of Robert E. Fischell, Ph.D. dated June 15, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Deposition of Morton Rosenberg, Esq. Dated February 3, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Deposition of Morton J. Rosenberg, Esq. dated June 15, 2000, Civil Action No. 98-197-SLR	
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UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert E. Fischell)	Docket No.:	JOH2748P0042US
)		
Serial No.: 10/345,531)	Group Art Unit:	3737
)		
Filing Date: 01/16/03)	Examiner:	Jain, Ruby
)		
Invention: Stent Having A)		
Multiplicity of Undulating)		
Longitudinals)		

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement document is being submitted in connection with the Request For Continued Examination (RCE) document filed herewith.

Appended hereto is a copy of a document entitled "Information From Related Litigation In Conformance with MPEP 2001.06(c)" and appended Form 1449, which document was initially filed in Serial No. 09/596,074 and subsequently filed in the present application.

Certain of the previously submitted materials were indicated by the Examiner as not having been considered. In conferring with Examiners Ruby Jain and Marvin Lateef with respect to this issue, it was suggested to the undersigned attorney to file this RCE document in order to permit the Examiner the opportunity to consider these materials.

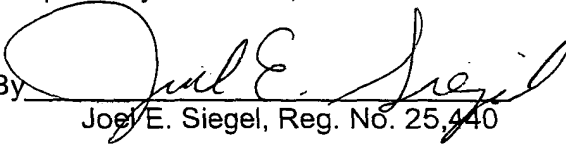
Applicant assumes that the Examiner has previously considered the prosecution file materials of Serial No. 09/983,837, referred to in the Preliminary Amendment with respect to the presently pending claims. However, for the Examiner's convenience,

appended hereto is a copy of an Office Action directed to the presently pending claims from this prior application.

Should the Examiner require any additional information, the undersigned attorney will immediately respond upon receipt of such request.

Respectfully submitted,

Date: July 14, 2003

By 
Joe E. Siegel, Reg. No. 25,440

Attorneys for Applicant
Wood, Phillips, Katz, Clark & Mortimer
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, IL 60661-2511
312-876-1800
312-876-2020 Fax

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

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Sheet 1 of 5

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U.S. PATENT DOCUMENTS

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		Number	Kind Code ¹ (if known)			
		3,657,744		R. A. Ersek	04/25/1972	
		4,503,569		C.T. Dotter	03/12/1985	
		4,553,545		D. Maass et al	11/19/1985	
		4,580,568		C. Gianturco	04/08/1986	
		4,655,771		H.I. Wallsten	04/07/1987	
		4,681,110		D.M. Wiktor	07/21/1987	
		4,733,665		J.C. Palmaz	03/29/1988	
		4,739,762		J.C. Palmaz	04/26/1988	
		4,768,507		R.E. Fischell	09/06/1988	
		4,795,458		B.F. Regan	01/03/1989	
		4,800,882		C. Gianturco	01/31/1989	
		4,830,003		R.G. Wolff	05/16/1989	
		4,856,516		R.A. Hillstead	08/15/1989	
		4,878,906		P. Lindemann et al	11/07/1989	
		4,886,062		D.M. Wiktor	12/12/1989	
		4,907,336		C. Gianturco	03/13/1990	
		4,954,126		H.I. Wallsten	09/04/1990	
		4,969,458		D.M. Wiktor	11/13/1990	
		5,019,085		R.A. Hillstead	05/28/1991	
		5,061,275		H.I. Wallsten	10/29/1991	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Paragraphs or Relevant Figures Appear	TV
		Office ²	Number ³	Kind Code ⁴ (if known)				
		EP	433,011		R. Fischell et al	06/19/1991		
		EP	472,731		K. Inoue	03/04/1992		
		EP	566,807		J. Sgro	10/27/1993		
		EP	579,523		J. Cottenceau	01/19/1994		
		EP	593,136		R. Fischell	12/11/1984		
		GB	1,205,743		C. Didcott	09/16/1970		
		GB	2,189,150		H. Wallsten, et al	10/21/1987		
		PCT	WO95/31945		Burmeister et al	11/30/95		

Examiner Signature

Date Considered

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Bureau Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the nature of the information provided.

Complete if Known

Application Number

Filing Date

First Named Inventor

Robert E. Fischell

Group Art Unit

Examiner Name

Sheet	2	of	5
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Attorney Docket Number:

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		Number			
		5,102,417	J.C. Palmaz	04/07/1992	
		5,104,404	R.G. Wolff	04/14/1992	
		5,133,732	D.M. Wiktor	07/28/1992	
		5,192,307	W.H. Wall	03/09/1993	
		5,195,984	R.A. Schatz	03/23/1993	
		5,266,073	W.H. Wall	11/30/1993	
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		5,282,824	C. Gianturco	02/01/1994	
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		5,421,955	L. Lau et al	06/06/1995	
		5,443,498	A.B. Fontaine	08/22/1995	
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		5,507,771	C. Gianturco	04/16/1996	
		5,514,154	L. Lau et al	05/07/1996	
		5,527,354	A.B. Fontaine et al	06/18/1996	
		5,569,295	S.S. Lam	10/29/1996	
		5,591,197	G.A. Orth et al	01/07/1997	

[illegible]Date
Considered

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Appoint to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Robert E. Fischell

Examiner Name

Attorney Pocket Number

JOH2748P0043US

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Sheet 4 of 5

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Application Number
Filing Date
First Named Inventor Robert E. Fischell
Group Art Unit
Examiner Name
Attorney Docket Number JOH2748P0043US

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Lawrence et al., "Percutaneous Endovascular Graft: Experimental Evaluation," 1986 RSNA Annual Meeting, <u>Radiology</u> , vol. 163, pp. 357-60 (May 1987).	
		Mirisch et al., "Percutaneously Placed Endovascular Grafts for Aortic Aneurysms: Feasibility Study," <u>Radiology</u> , vol. 170, pp. 1033-37.	
		Fallone et al., "Elastic Characteristics of the Self-Expanding Metallic Stents," <u>Investigative Radiology</u> , vol. 23, pp. 370-76 (May 1988).	
		Charnsangavej et al., "Stenosis of the Vena Cava: Preliminary Assessment of Treatment with Expandable Metallic Stents," <u>Radiology</u> , 1986 161:795-98.	
		Rosch et al., "Gianturco Expandable Stents In Experimental and Clinical Use," March 24, 1987.	
		Wallace et al., "Tracheobronchial Tree: Expandable Metallic Stents Used in Experimental and Clinical Applications Work in Progress," <u>Radiology</u> , 158:309-12 (1986).	
		Rosch et al., "Experimental Intrahepatic Partacural Anastomosis: Use of Expandable Gianturco Stents," <u>Radiology</u> , 162: 481-85 (1987).	
		Rosch et al., "Modified Gianturco Expandable Wire Stents in Experimental and Clinical Use," <u>Ann Radiol</u> , 31: 100-03 (1988).	
		Charnsangavej et al., "A New Expandable Metallic Stent for Dilation of Stenotic Tubular Structures Experimental and Clinical Evaluations," <u>Houston Medical Journal</u> , Vol. 3, June 1987.	
		Rosch et al., "Gianturco Expandable Wire Stents in the Treatment of Superior Vena Cava Syndrome Recurring After Maximum-Tolerance Radiation," <u>Cancer</u> , 60: 1243-46 (1987).	
		Yoshioka et al., "Self-Expanding Endovascular Graft: An Experimental Study in Dogs, <u>AJR</u> , 151:673-76 (1988).	

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">Application Number</td><td></td></tr> <tr><td>Filing Date</td><td></td></tr> <tr><td>First Named Inventor</td><td>Robert E. Fischell</td></tr> <tr><td>Art Unit</td><td></td></tr> <tr><td>Examiner Name</td><td></td></tr> <tr><td>Attorney Docket Number</td><td>JOH2748P0043US</td></tr> </table>		Application Number		Filing Date		First Named Inventor	Robert E. Fischell	Art Unit		Examiner Name		Attorney Docket Number	JOH2748P0043US
Application Number															
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Sheet	1	of	5												

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US-3,657,744	4/25/1972	R. A. Ersek	
	2	US-4,503,569	3/12/1985	C. T. Dotter	
	3	US-4,553,545	11/19/1985	D. Maass, et al.	
	4	US-4,580,568	4/8/1986	C. Gianturco	
	5	US-4,655,771	4/7/1987	H. I. Wallsten	
	6	US-4,681,110	7/21/1987	D. M. Wiktor	
	7	US-4,733,665	3/29/1988	J. C. Palmaz	
	8	US-4,739,762	4/26/1988	J. C. Palmaz	
	9	US-4,768,507	9/6/1988	R. F. Fischell	
	10	US-4,795,458	1/3/1989	B. F. Regan	
	11	US-4,800,882	1/31/1989	C. Gianturco	
	12	US-4,830,003	5/16/1989	R. G. Wolff	
	13	US-4,856,516	8/15/1989	R. A. Hillstead	
	14	US-4,878,906	11/7/1989	P. Lindemann, et al.	
	15	US-4,886,062	12/12/1989	D. M. Wiktor	
	16	US-4,907,336	3/13/1990	C. Gianturco	
	17	US-4,954,126	9/4/1990	H. I. Wallsten	
	18	US-4,969,458	11/13/1990	D. M. Wiktor	
	19	US-4,994,071	2/19/1991	D. C. MacGregor	
	20	US-5,019,085	5/28/1991	R. A. Hillstead	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ - Kind Code ⁵ (if known)				
	51	EP433,011	6/19/1991			
	52	EP472,731	3/4/1992			
	53	EP540,290	5/5/1993			
	54	EP566,807	10/17/1993			X
	55	EP579,523	1/19/1994			
	56	EP593,136	12/11/1989			
	57	GB1,205,743	9/16/1970			
	58	GB2,189,150	10/21/1987			
	59	WO95/31945	11/30/1995			
	60	JP6-41745	6/3/1994			X

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Substitute for form 1449A/PTO				<div>Complete if Known</div> <div>Application Number</div> <div>Filing Date</div> <div>First Named Inventor</div> <div>Art Unit</div> <div>Examiner Name</div> <div>Attorney Docket Number</div>	
<div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div>(use as many sheets as necessary)</div>				<div>Robert E. Fischell</div> <div>TOH2748P0043US</div>	
Sheet	2	of	5		

U.S. PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. 1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	21	us-5,061,275	10/19/1991	H. I. Wallsten	
	22	us-5,102,417	4/7/1992	J. C. Palmaz	
	23	us-5,104,404	4/14/1992	R. G. Wolff	
	24	us-5,116,365	5/26/1992	R. A. Hillstead	
	25	us-5,133,732	7/28/1992	D. M. Wiktor	
	26	us-5,192,307	3/9/1993	W. H. Wall	
	27	us-5,195,984	3/23/1993	R. A. Schatz	
	28	us-5,201,901	4/13/1993	F. Harada	
	29	us-5,266,073	11/30/1993	W. H. Wall	
	30	us-5,269,802	12/14/1993	B. B. Garber	
	31	us-5,282,824	2/1/1994	C. Gianturco	
	32	us-5,290,305	3/1/1994	K. Inoue	
	33	us-5,292,331	3/8/1994	Boneau	
	34	us-5,314,472	5/24/1994	A. Fontaine	
	35	us-5,405,377	4/11/1995	A. Cragg	
	36	us-5,421,955	6/6/1995	L. Lau, et al.	
	37	us-5,443,498	8/22/1995	A. B. Fontaine	
	38	us-5,443,500	8/22/1995	V. Sigwart	
	39	us-5,449,373	9/12/1995	G. Pinchasik	
	40	us-5,496,365	3/5/1996	J. C. Sgro	

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				Filing Date	05/2000-0001
				First Named Inventor	Robert E. Fischell
				Art Unit	2000
				Examiner Name	James S.
Sheet	3	of	5	Attorney Docket Number	JOH2748P0043US

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		Filing Date	
		First Named Inventor	Robert E. Fischell
		Group Art Unit	
		Examiner Name	
Sheet 4 of 5	Attorney Docket Number	JOH2748P0043US	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	61	Lawrence et al., "Percutaneous Endovascular Graft: Experimental Evaluation," 1987 RSNA Annual Meeting, <u>Radiology</u> , vol. 163, pp. 357-60 (May 1987)	
	62	Mirich et al., "Percutaneously Placed Endovascular Grafts for Aortic Aneurysms: Feasibility Study," <u>Radiology</u> , vol. 170, pp. 1033-37.	
	63	Fallone et al., "Elastic Characteristics of the Self-Expanding Metallic Stents," <u>Investigative Radiology</u> , vol. 23, pp. 370-76 (May 1988).	
	64	Charnsangavej et al., "Stenosis of the Vena Cava: Preliminary Assessment of Treatment with Expandable Metallic Stents," <u>Radiology</u> , 1986 161:295-98.	
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	68	Rosch et al., "Modified Gianturco Expandable Wire Stents in Experimental and Clinical Use," <u>Ann Radiol</u> , 31:100-03 (1988).	

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Control number: Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
Sheet 5 of 5				Application Number	
Filing Date				Filing Date	
First Named Inventor				Robert E. Fischell	
Group Art Unit				Examiner Name	
Attorney Docket Number				JOH2748P0043IIS	

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				Filing Date		
				First Named Inventor		Robert E. Fischell et al.
				Group Art Unit		
				Examiner Name		
Sheet	1	of	4	Attorney Docket No.		JOH2748P0043US

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication of Cited Document MM-DD-YYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,109,090		Jacques Mongoin et al.	04-28-92	
		5,135,536		Richard A. Hillstead	08-04-92	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
		JP	6-41745	A61M 29/02	Hanako Medical Company Ltd.	06-03-94		
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		Jury Verdict (Damages) of Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc. et al., Civil Action No. 97-550-SLR and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		Jury Verdict (Liability) Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc. et al., Civil Action No. 97-550-SR and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 20, 2000, Pretrial Hearing of Boston Scientific Corporation et al. v. Cordis Corporation, Civil Action No. 98-19 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 21, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 27, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 28, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 29, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		November 30, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 1, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 4, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 5, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 6, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 7, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		December 8, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
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Examiner Signature			Date Considered

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				First Named Inventor	Robert E. Fischell et al.
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Sheet	3	of	5	Attorney Docket No.	JOH2748P0043US

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		December 15, 2000, Trial Transcript of Cordis Corporation v. Medtronic Ave., Inc. et al., Civil Action No. 97-550 (SLR) and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		February 9, 2001, Trial Transcript (Inequitable Conduct) of Cordis Corporation v. Medtronic Ave, Inc., et al, Civil Action No. 97-550 and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		February 12, 2001, Trial Transcript (Inequitable Conduct) of Cordis Corporation v. Medtronic Ave, Inc., et al, Civil Action No. 97-550 and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)	
		March 28, 2002, Order re Post Trial Motions of Cordis Corporation v. Medtronic Ave., Inc., Civil Action No. 97-550 (SLR)	
		March 28, 2002, Opinion re Post Trial Motions of Cordis Corporation v. Medtronic Ave., Inc., Civil Action No. 97-550 (SLR)	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Brief in Support of BSC's Motions for Judgement as a Matter of Law with Respect to U.S. Patent Nos. 5,643,312 and 5,879,370, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation, and Scimed Life Systems, Inc., Answering Brief in Opposition to BSC's Motion for JMOL on the Fischell '312 and '370 Patents, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., BSC's Reply Brief in Support of BSC's Motions for Judgement as a Matter of Law with Respect to U.S. Patent Nos. 5,643,312 and 5,879,370, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Opening Brief in Support of Cordis' JMOL Motion Against Boston Scientific on Claim 44 of the Palmaz '762 Patent and Claim 25 of the Fischell '370 Patent, Civil Action No. 97-550 (SLR) and Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., BSC's Brief in Opposition To Cordis' JMOL Motion Regarding the Applicability of the Reverse Doctrine of Equivalents to Claim 25 of U.S. Patent No. 5,879,370, Civil Action No. 98-197-SLR	
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		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., BSC's Post-Trial Brief in Support of Finding that U.S. Patent Nos. 5,643,312 and 5,879,370 are Unenforceable due to Inequitable Conduct, Civil Action No. 98-197 (SLR)	
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		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Reply Brief in Support of Defendants' Motion for Summary Judgment of Unenforceability due to Inequitable Conduct, Civil Action No. 98-197-SLR	
Examiner Signature			Date Considered

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number		
				Filing Date		
				First Named Inventor		Robert E. Fischell et al.
				Group Art Unit		
				Examiner Name		
Sheet	4	of	5	Attorney Docket No.		JOH2748P0043US

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Defendants' Markman Memorandum on Claim Construction, Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Reply Brief in Support of Defendants' Motion for Summary Judgement of Invalidity Under 35 U.S.C. Section 112, Paragraph 2 (Claim Indefiniteness), Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Reply Brief in Support of Defendant's Motion for Summary Judgement of Noninfringement, Civil Action No., 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Opening Expert Report of David C. Cumberland, M.D., Civil Action No. 98-197 SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Rebuttal Expert Report of David C. Cumberland, M.D., Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Supplemental Expert Report of David C. Cumberland, M.D. Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Opening Expert Report of Andrew S. Douglas, Ph.D., Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Rebuttal Expert Report of Andrew S. Douglas, Ph.D., Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Supplemental Expert Report of Andrew S. Douglas, Ph.D., Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Boston Scientific Corporation and Scimed Life Systems, Inc.'s Notice Pursuant to 35 U.S.C. §282, Civil Action No. 97-550-SLR and Cordis Corporation v. Boston Scientific Corporation et al., Civil Action No. 98-197 (SLR)		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Memorandum Order dated September 7, 2000, Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Order dated November 1, 2000 Denying Defendant's Motion for Summary Judgment of Invalidity, Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Order dated November 1, 2000 Summary Judgement of Infringement, Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Videotaped Deposition of Robert E. Fischell, Ph.D dated November 16, 1999, Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Videotaped Deposition of Robert E. Fischell, Ph.D dated January 4, 2000, Civil Action No. 98-197-SLR		
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Videotaped Deposition of Robert E. Fischell, Ph.D dated January 5, 2000, Civil Action No. 98-197-SLR		
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				First Named Inventor		Robert E. Fischell et al.
				Group Art Unit		
				Examiner Name		
Sheet	5	of	5	Attorney Docket No.		JOH2748P0043US

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Videotaped Deposition of Robert E. Fischell, Ph.D dated January 6, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Videotaped 30 (b) (6) Deposition of Robert E. Fischell, Ph.D dated January 6, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Videotaped Deposition of Robert E. Fischell, Ph.D. dated June 15, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Videotaped Deposition of Morton Rosenberg, Esq. Dated February 3, 2000, Civil Action No. 98-197-SLR	
		Cordis Corporation v. Boston Scientific Corporation and Scimed Life Systems, Inc., Videotaped Deposition of Morton J. Rosenberg, Esq. dated June 15, 2000, Civil Action No. 98-197-SLR	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	
		Filing Date	
		First Named Inventor <u>Robert E. Fischell</u>	
		Art Unit	
		Examiner Name	
Sheet <u>1</u>	of <u>1</u>	Attorney Docket Number <u>TOH2748P0043US</u>	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	A	US- 5,632,771	5/27/1997	Boatman, et al.	
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